



Application to Request Appeal Authority

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpinecity.org

A request shall be filed with the Zoning Administrator of Alpine City and must contain the following information as a minimum and all other additional information that will help the Hearing Officer or Board of Adjustment make a decision.

☒ Variance ☐ Appeal of a Land Use Decision

Name JAMES AND CHARLYN ANDERSON Date JULY 13, 2015

Address 834 HEALEY BLVD, ALPINE Phone 801-367-4462 Email ANDEJE0A@YAHOO.COM

Describe the reasons of the request for variance/appeal THE APPLICANTS KINDLY REQUEST A VARIANCE TO ALTER THE REAR SET BACK FOR THE STATED LOT FROM THIRTY (30) FEET TO TWENTY FIVE (25) FEET TO ACCOMMODATE A COVERED PATIO. THE LOT IS A VIEW LOT WHOSE REAR BOUNDARY BORDERS THE NORTHERN LEDGE OF THE HIGHLAND GRAVEL PIT.
SEE ATTACHED LETTER AND ATTACHMENTS FOR MORE DETAILS

Variance

Address of the Property Involved 834 HEALEY BLVD, ALPINE, UTAH 84004

Chapter, Section, and Paragraph of the Alpine City Zoning Ordinance that you are seeking a variance from ARTICLE 3.3.5.1 ITEM #4

Appeal of a Land Use Decision

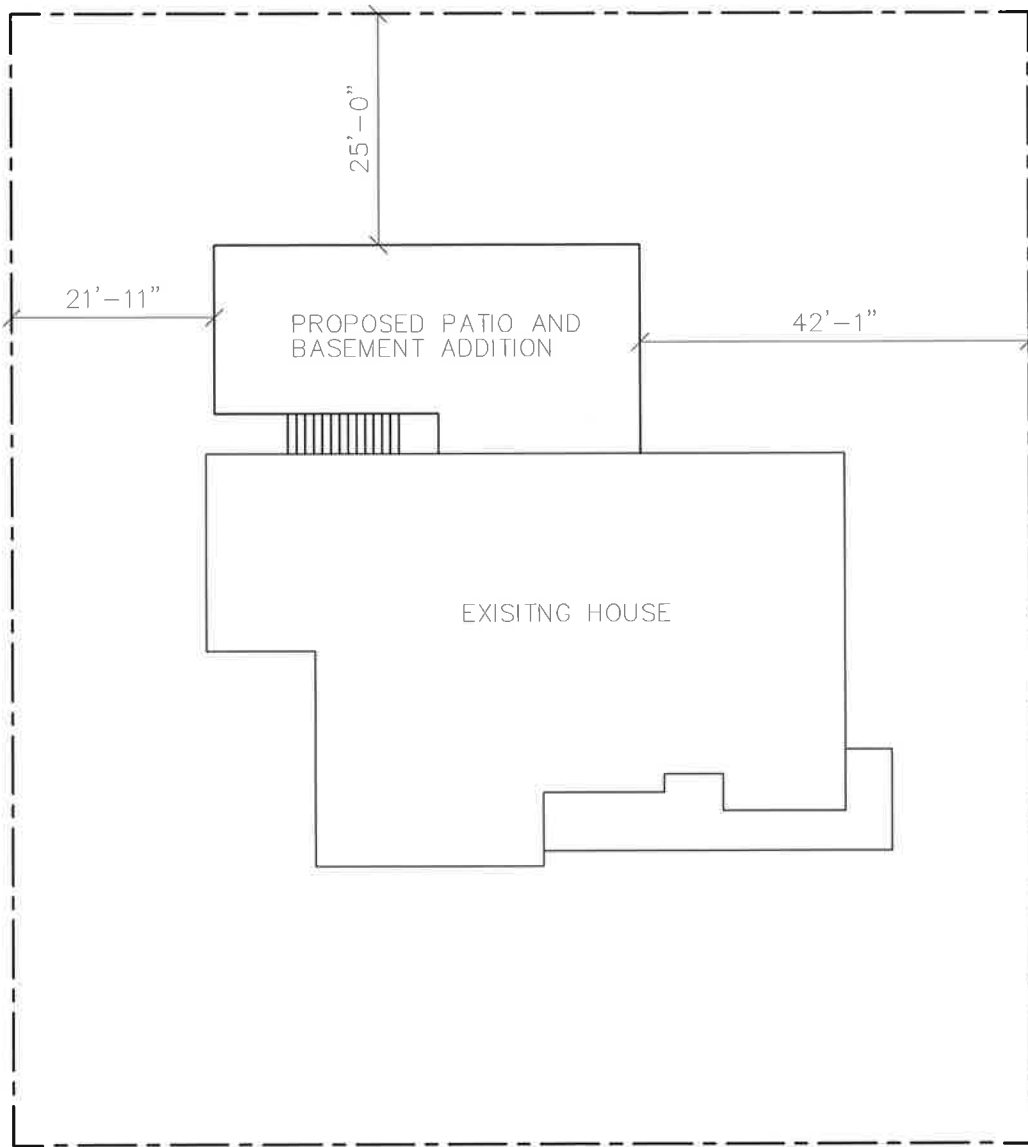
Action of a Land Use Authority that is being appealed _____

Date of action by Land Use Authority _____

Applicant Signature  Date July 13, 2015

FOR CITY USE ONLY

Appeal Authority Fee (\$150) Payment Type check Receipt # 33165

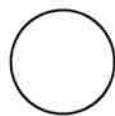


HEALEY BLVD.

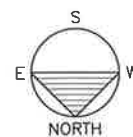
ANDERSON ADDITION
834 NORTH HEALEY BLVD.
ALPINE, UTAH

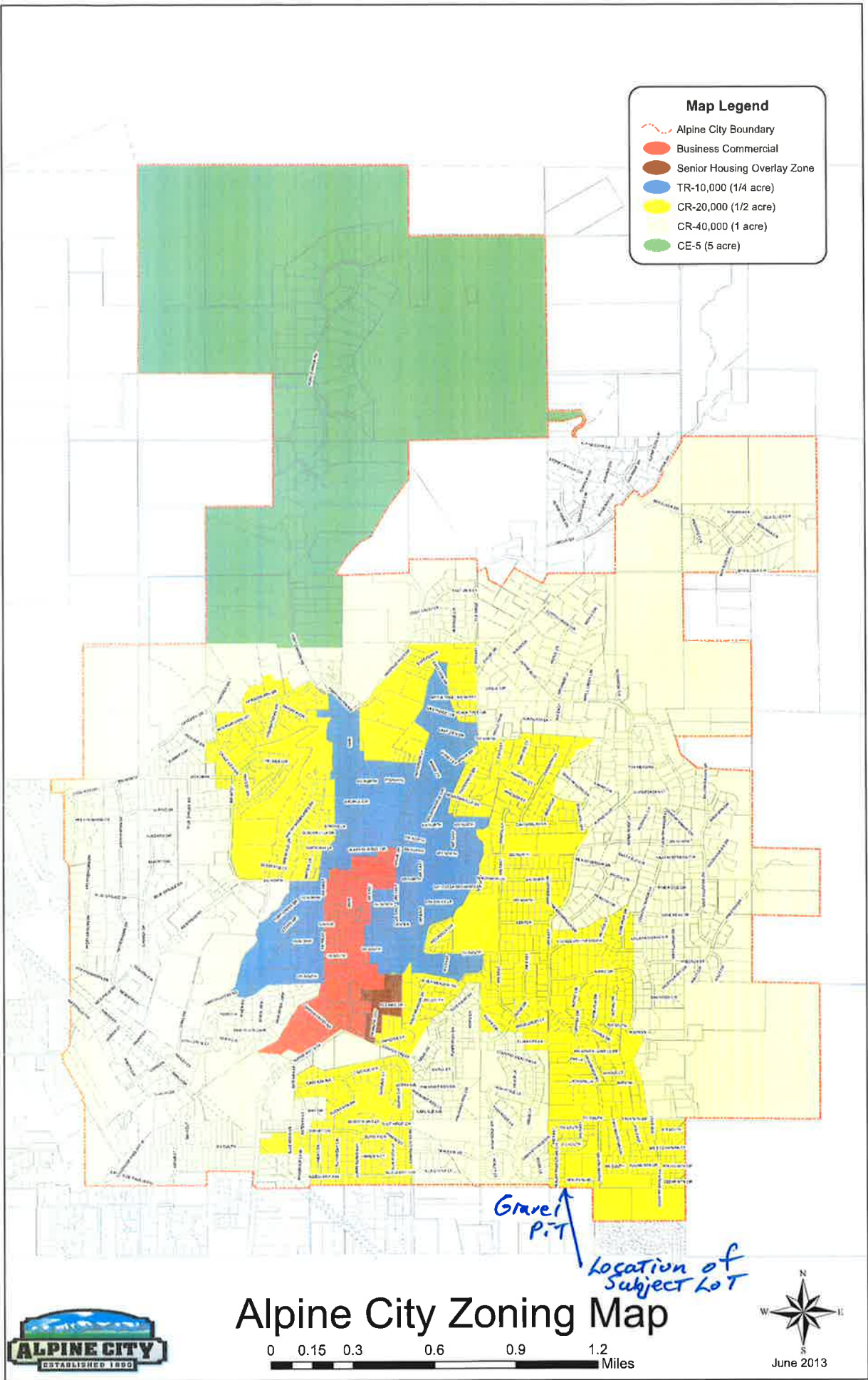
SITE PLAN

NAME



— 1"=20'-0"





July 13, 2015

Mr. Jason Bond
Alpine City Planner
20 North Main
Alpine, Utah 84004
jbond@alpinecity.org

Re: Rear Set Back Variance for
834 Healey Blvd
Lot 82, Plat 1, Healey Heights PRD Sub.
Alpine, Utah

This letter is submitted in support of the Application to Request Appeal Authority for a variance in the above mentioned lot before the Hearing Officer of Alpine City. The variance is to alter Article 3.3.5.1 Item #4 of the Alpine City Development Code regarding "All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet." The proposed variance is to alter the rear set back for the subject lot from thirty (30) feet to twenty-five (25) feet, plus or minus six (6) inches. The plus or minus six (6) inches of margin are needed because the final engineering has not yet been completed pending the status of this variance request. Another condition of the variance is that the penetrating portion of the proposed structure into the set back would not exceed fifteen (15) feet in height from ground.

The owners and applicants, James & Charlyn Anderson, own the residence property located at 834 Healey Blvd. The proposal is to construct a covered patio over a proposed basement addition that would extend into the back yard of the residence. The roof of the covered patio would not exceed thirteen (13) feet in height from the top of the patio. See attached site plan.

Without a cover, the top of the proposed basement addition would be a patio less than eighteen (18) inches in height from the ground surface with a set back of about twenty-five (25) feet from the rear property line. Therefore, the basement addition meets all codes including set backs in accordance with Article 3.1.13 of the Alpine City Development Code.

The backyard has a southern exposure overlooking the Highland gravel pit. The rear boundary of the subject lot borders the gravel pit property. Since the owner's lot is a view lot from the rear and located on the northern ledge of the gravel pit, there are no zoning lots behind and south of the applicant's lot, and there never will be. In addition, there are no utilities behind the lot. All utilities are supplied from the front or street side of the house.

Specific Variance Standards

It is understood that the following five (5) findings must be made before a variance can be granted by Alpine City.

1. “That literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.”
2. “That there are special circumstances attached to the property that do not generally apply to other properties in the same zone.”
3. “That granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.”
4. “That the variance will not substantially affect the general plan and will not be contrary to the public interest.”
5. “That the spirit of the zoning ordinance is observed and substantial justice is done.”

The proposed covered patio clearly meets each of the requirements as follows:

1. Unreasonable Hardship

The hardship to the owner is the inability to fully enjoy his backyard due to the intense southern exposure to the Spring and Summer sun, fast moving inclement weather due to proximity to the American Fork Canyon, and loud machinery/transportation noise and dust due to the lot's immediate proximity to the gravel pit. The proposed patio cover with strategically positioned blinds and windows would mitigate much of the hardship root causes. This would allow the owner and his family to take full advantage of their unique view property year-around in greater safety from the elements while better protecting the property value, and promoting the development of a more attractive and welcoming neighborhood and community.

These conditions and circumstances are not general to the entire neighborhood. Yes, a few lots may be affected but lots in the same zone on adjacent streets or elsewhere are not exposed to the noise and dust from the gravel pit.

The unusual conditions of this property have not been created by the property owner, or any predecessor. Upon purchase of the subject property in 2004, the owner contacted the gravel pit management and asked them how long they would operate the gravel pit. Their verbal answer at the time was 3 years. Now, after 11 years have passed, it appears that the pit will continue to operate for at least several more years. The gravel pit owner was given a permit to operate in the 1990's after the Utah Supreme Court ruled that the operating company could pull out of

Highland city to build a plant under county regulations but only after fierce opposition by local residents due to safety concerns of dust, noise and traffic.

2. Conditions Not Applicable to Other Properties Generally In The Same Zone

There are two (2) unusual physical features of this property which justify granting a variance in the subject case. First, as is clearly demonstrated by the site plan, this property sits on an unusually smaller lot than those in the same zone. The subject property has been zoned as C-R 20,000. The area of the subject lot is only 0.31 acres or about 13,500 square feet making the lot rather narrow. The lot does not even come close to meeting the minimum required density and area (0.58 acres or about 25,200 square feet) for a C-R 20,000 classification as defined in Article 3.3.4 of the Alpine City Development Code. A look at the Alpine City Zoning Map shows that the subject lot is in fact much smaller in size than the majority of zoned C-R 20,000 lots. In fact, the subject lot is much closer in size to the T-R 10,000 zoned properties that are allowed a rear set back of twenty (20) feet.

The second feature is the location and surroundings of the property. As mentioned earlier, the backyard has a southern exposure overlooking and bordering the Highland gravel pit. Since the owner's lot is a view lot from the rear and located directly on the northern ledge of the gravel pit, there are no zoned lots behind and south of the applicant's lot; and there never will be. This situation does not apply to 99+% of properties in the same zone. There are no crowding or open space concerns because there are no rear neighbors. In addition, there are no utility runs in the rear of the subject lot.

These two (2) special physical circumstances attached to the subject property do unreasonably deprive the property owner of privileges granted to other property owners in the same zone.

3. Enjoyment of a Substantial Property Right Possessed by Others In The Same Zone

The granting of this variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which it is located. Since the variance request is to alter the set back by only about five (5) feet, it does not affect the side neighbors with regards to clearance, preservation of light, open spaces, and character of the area. This is due to the fact that the eastern neighbor's main dwelling has only a 34 foot rear set back compared to the subject property whose main dwelling has a rear set back of forty seven (47) feet and five (5) inches. The western neighbor has an extended rear covered patio and has planted multiple willow trees that largely obscure their view of the proposed covered patio from their yard.

We have consulted with neighboring property owners regarding our request, and have attached letters signed by all neighbors within 300 feet of the subject property giving their agreement and

consent to the proposed addition and confirming that it would have no detrimental effect on their view or property.

There are no concerns regarding additional fire safety or structural stability.

The proposed covered patio would be designed to be compatible with the proposed landscaping to create a transition from indoors to outside that would be welcoming and aesthetically pleasing.

The property owner believes that the ability to cover a reasonably sized patio as protection against the elements and to more fully enjoy the outdoors throughout the year is a substantial property right possessed by other property owners in the same zone.

4. Compliance with Intent of General Plan and Zoning Code

An important intent for creating set back restrictions is to prevent property owners from crowding the property of others and to create open space. That intent would not be jeopardized in any way due to the lack of rear neighbors and open view.

Article 3.1.13 of the Alpine City Development Code sets forth the criteria for determining set back requirements. The code already allows some reasonable building features to not be included in the set back. These include abutting fireplaces and bay windows up to two (2) feet. The applicant is only asking for five (5) feet to achieve coverage of a reasonable patio for a lot that has special considerations as mentioned before.

The variance requested is the minimum variance which would alleviate the hardship. The property owners are asking only for the minimum required variance. A lesser request would not enable the property owners to proceed with the proposal.

This requested variance fully complies with the intent and purpose of the general plan of the city as outlined in Article 1.1.2 of the Alpine City Development Code. In fact, the proposal will actually enhance several items such as safety, property values and more attractive, serviceable surroundings.

5. Spirit of the Zoning Ordinance is Observed

The subject property is zoned for residential development: a residential structure is the most appropriate development for the property. Granting the variance would not conflict with any other aspect of the zoning ordinances to our knowledge. Granting of this variance would permit the subject property owners to construct a covered patio in their backyard reasonably consistent in size and character with other homes in the vicinity and same zone.

The gravel pit land bordering the south boundary of the subject lot is owned by Cyrus W. Spurlino, who serves as the President of Westroc, Inc. There is a reasonable possibility that he or the company may be willing to sell at a future time some of their land bordering the residences on the north ledge of the gravel pit to extend the backyards several more feet. The applicants have been unable to contact Mr. Spurlino for comment on this possibility.

There should be no concern that this variance, if granted, would create an undesirable precedent. The unique location of the subject property applies to only a hand full of lots in the same zone. The neighborhood is already well established. The applicants believe that any future variance submissions that may be similar in nature should be considered on a case-by-case approach and not through a zoning amendment.

In conclusion, the applicants therefore respectfully request that the variance applied for in this case be granted. The proposed project meets all the requirements for the Hearing Officer to grant the variance; the hardship comes from circumstances particular to the property and surroundings, the requested variance is not a waiver but a minor modification, no detrimental effects have been identified regarding the adjacent properties or neighborhood, the intent and spirit of the zoning ordinance is maintained, the project is an attractive one that brings a higher quality of life to the current and future owners while enhancing property value.

Respectfully submitted,



James Anderson



Charlyn Anderson

Property Owners of:
834 Healey Blvd
Alpine, Utah 84004
(801) 492-3560
(801) 367-4462 (Mobile)

Names and Addresses of all Property Owners within 300 Feet of the Subject Property

Wayne & Jimelle Schlosser

812 Healey Blvd

Alpine, Utah

Phone: 801-738-9000

Email: waynes@email.com

Adam & Kathryn Tanner

790 Healey Blvd

Alpine, Utah

Phone: 801-358-8616

Email: adam.t.tanner@gmail.com

Brad & Kellie Nielson

856 Healey Blvd

Alpine, Utah

Phone: 801-361-3316

Email: btnielson@me.com

David & Katherine Lemke

878 Healey Blvd

Alpine, Utah

Phone: 801-960-0981

Email: dave@databasecapital.com

Ray & Beth West

926 Healey Homestead Cir

Alpine, Utah

Phone: 801-319-6803

Email: westwr@gmail.com

Application to Request Appeal Authority to Alpine City

Adjacent Property Consent

APPLICANT: JAMES AND CHARLYN ANDERSON
ADDRESS: 834 HEALEY BLVD
ALPINE, UTAH 84004
(801) 492-3560

VARIANCE REQUESTED: This consent by a neighbor to the above applicants is submitted in support of the Application to Request Appeal Authority for a variance in the above mentioned lot before the Hearing Officer of Alpine City. The variance is to alter Article 3.3.5.1 Item #4 of the Alpine City Development Code regarding "All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet." The proposed variance is to alter the rear set back for the stated lot from thirty (30) feet to twenty-five (25) feet.


The owners and applicants, James & Charlyn Anderson, own the residence property located at 834 Healey Blvd. The proposal is to construct a covered patio over a proposed basement addition that would extend into the back yard of the residence. The roof of the covered patio would not exceed thirteen (13) feet in height from the top of the patio. The proposed covered patio would have an estimated set back of about twenty five (25) feet from the rear boundary line.

NAME OF ADJACENT PROPERTY OWNER: WAYNE & JIMELLE SCHLOSSER

ADDRESS OF ADJACENT PROPERTY: 812 HEALEY BLVD

TELEPHONE: ⁷³⁸⁻⁹⁰⁰⁰ (801) ~~358-5445~~ EMAIL: WayneS@email.com

I am the owner and record title holder of the adjacent property, and I am aware that the applicant above has requested that Alpine City grant a variance for a 25 foot set back from the rear property boundary line. I am agreeable to this request and foresee no detrimental effects to my property or the residential area. I hereby grant my consent to allow the applicant to build a rear covered patio with the altered set back that is less than the distance required by Alpine City Code, and I will not hold Alpine City legally responsible for any damages and recognize that the final action on this petition shall be binding to the property as well as to current and any future owners.



Signature of Adjacent Property Owner

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NAME OF ADJACENT PROPERTY OWNER: ADAM & KATHRYN TANNER

ADDRESS OF ADJACENT PROPERTY: 790 HEALEY BLVD

TELEPHONE: (801) ~~492-1435~~ 358-8616 EMAIL: adam.t.tanner@gmail.com

I am the owner and record title holder of the adjacent property, and I am aware that the applicant above has requested that Alpine City grant a variance for a 25 foot set back from the rear property boundary line. I am agreeable to this request and foresee no detrimental effects to my property or the residential area. I hereby grant my consent to allow the applicant to build a rear covered patio with the altered set back that is less than the distance required by Alpine City Code, and I will not hold Alpine City legally responsible for any damages and recognize that the final action on this petition shall be binding to the property as well as to current and any future owners.



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NAME OF ADJACENT PROPERTY OWNER: BRAD & KELLIE NIELSON

ADDRESS OF ADJACENT PROPERTY: 856 HEALEY BLVD

TELEPHONE: (801) 361-3316

EMAIL: bt Nielson@me.com

I am the owner and record title holder of the adjacent property, and I am aware that the applicant above has requested that Alpine City grant a variance for a 25 foot set back from the rear property boundary line. I am agreeable to this request and foresee no detrimental effects to my property or the residential area. I hereby grant my consent to allow the applicant to build a rear covered patio with the altered set back that is less than the distance required by Alpine City Code, and I will not hold Alpine City legally responsible for any damages and recognize that the final action on this petition shall be binding to the property as well as to current and any future owners.



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NAME OF ADJACENT PROPERTY OWNER: DAVID & KATHERINE LEMKE

ADDRESS OF ADJACENT PROPERTY: 878 HEALEY BLVD

TELEPHONE: (801) 960-0981

EMAIL: dave@databasecapital.com

I am the owner and record title holder of the adjacent property, and I am aware that the applicant above has requested that Alpine City grant a variance for a 25 foot set back from the rear property boundary line. I am agreeable to this request and foresee no detrimental effects to my property or the residential area. I hereby grant my consent to allow the applicant to build a rear covered patio with the altered set back that is less than the distance required by Alpine City Code, and I will not hold Alpine City legally responsible for any damages and recognize that the final action on this petition shall be binding to the property as well as to current and any future owners.



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NAME OF ADJACENT PROPERTY OWNER: RAY & BETH WEST

ADDRESS OF ADJACENT PROPERTY: 926 HEALEY HOMESTEAD CIR

TELEPHONE: (801) 319-6803

EMAIL: westwr@gmail.com

I am the owner and record title holder of the adjacent property, and I am aware that the applicant above has requested that Alpine City grant a variance for a 25 foot set back from the rear property boundary line. I am agreeable to this request and foresee no detrimental effects to my property or the residential area. I hereby grant my consent to allow the applicant to build a rear covered patio with the altered set back that is less than the distance required by Alpine City Code, and I will not hold Alpine City legally responsible for any damages and recognize that the final action on this petition shall be binding to the property as well as to current and any future owners.



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